

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS,
HOUSTON DIVISION**

**LANDSCAPE CONSULTANTS OF
TEXAS, INC., and
METROPOLITAN LANDSCAPE
MANAGEMENT, INC.,**
Plaintiffs,

V.

Civil Action No.: 4:23-cv-3516

**CITY OF HOUSTON, TEXAS, and
MIDTOWN MANAGEMENT
DISTRICT,**
Defendants.

DEFENDANT CITY OF HOUSTON'S INITIAL RULE 26 DISCLOSURES

Pursuant to Federal Rules of Civil Procedure 26 of the Federal Rules of Civil Procedure, Defendant the City of Houston (the “City” or “Houston”) files this Initial Disclosures in the above cause:

I. The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

1. Landscape Consultants of Texas, Inc., its owners, representatives, and employees, including, but not limited to:

Gerald Thompson
Theresa Thompson
Jeremy Thompson
c/o Erin E. Wilcox
Pacific Legal Foundation
555 Capitol Mall Suite 1290
Sacramento, CA 95814

Telephone: (916) 419-7111

Plaintiff entity in this suit

2. Metropolitan Landscape Management, Inc., its owners, representatives, and employees, including, but not limited to:

Gerald Thompson

Theresa Thompson

Jeremy Thompson

Lindsey Thompson

c/o Erin E. Wilcox

Pacific Legal Foundation

555 Capitol Mall Suite 1290

Sacramento, CA 95814

Telephone: (916) 419-7111

Plaintiff entity in this suit

3. X-Scape Environmental, its owners, representatives, and employees, including, but not limited to:

Jose Rodriguez

5430 Bryan Road

Rosenberg, Texas 77469

Telephone: 713-397-4604

Landscaping company that Plaintiff Landscape Consultants of Texas, Inc. identified as its MWBE subcontractor when it contracted with the City.

4. Monarch Landscaping Services, LLC d/b/a Montex, its owners, representatives, and employees

Telephone: 832-443-9941

Landscaping company that Plaintiff Landscape Consultants of Texas, Inc. identified as its potential MWBE subcontractor in response to the City's formal audit.

The individuals below are employed by the City of Houston and may be contacted through the City's counsel of record, Darah Eckert, Senior Assistant City Attorney, City of Houston Legal Department, 900 Bagby St., 4th Floor, Houston, TX 77002, (832) 393-6251.

5. Marsha Murray

Ms. Murray is the Director, Office of Business Opportunity, and is expected to have knowledge and information regarding the operation of the City's Business Enterprise Program.

6. Cylenthia Hoyrd

Ms. Hoyrd is the Assistant Director, Office of Business Opportunity, and is expected to have knowledge and information regarding the operation of the City's Business Enterprise Program.

7. Timothy Warren

Mr. Warren is the Certification Division Manager, Office of Business Opportunity, and is expected to have knowledge and information regarding the operation of the City's Business Enterprise Program.

8. J'monte Hooey

Mr. Hooey is the Division Manager of the Office of Business Opportunity's Compliance Division and is expected to have knowledge and information regarding the monitoring of Plaintiff Landscape Consultants' compliance with its contract with the City.

II. A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

Program-related documents:

City of Houston Ordinance No. 2013-428 (COH0000001-0000061)

OBO Policies and Procedures 2022202 (COH0000062-0000119)

2012 Construction Disparity Study (COH0000120-0000414)

2006 Disparity Study (COH0000415-0000559)

Plaintiffs-related documents:

Landscape Consultants of Texas, Inc.'s MWBE Letter Intent (COH00000560-00000561)

RCA - 4600016671 - Landscape Consultants of Texas, Inc. (COH00000562-00000563)

Ordinance No. 2021-342 Landscape Consultants Contract No. 4600016671 (COH00000564-00000652)

Notice to Proceed - 4600016671 - Landscape Consultants of Texas (COH00000653-00000655)
EO29 07192022130041 (COH00000656)
Formal Audit - 4600016671 - Landscape Consultants of Texas (COH00000657-00000658)
MWBE Verification Approval - 4600016671 - Landscape Consultants of Texas (COH00000659-00000675)
GFE - 4600016671 - Landscape Consultants of Texas (COH00000676)
Compliance Audit Summary - 4600016671 - Landscape Consultants of Texas (COH00000677-00000678)
Compliance Audit List page as of 9_19_2023 (COH00000679-00000680)
POP-1 - Landscape Professionals of Texas (COH00000681-00000683)
POP-2 - Landscape Professionals of Texas (COH00000684)
POP – 3 (COH00000653-00000685)

III. A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.

Defendant has not made any such calculations.

IV. For inspection and copying under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Not applicable. The City of Houston is self-insured.

Dated December 20, 2023

Respectfully submitted,

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City Attorney
SUZANNE R. CHAUVIN
Chief, General Litigation Section

/s/ Lori J. Yount

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CERTIFICATE OF SERVICE

I certify that on December 20, 2023, a copy of the foregoing Initial Disclosures were served electronically on the CM/ECF system, which will automatically serve an electronic notice on the following counsel of record for Plaintiffs:

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/s/ Lori J. Yount

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